

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 5, 2022

Lyle W. Cayce
Clerk

No. 21-10123

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOHN DOE,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:20-CR-600-1

Before OWEN, *Chief Judge*, and HAYNES and COSTA, *Circuit Judges*.

PER CURIAM:*

John Doe appeals the district court's denial of his motion to set aside his waiver of a pretrial detention hearing. Doe contends that his waiver was not knowing and voluntary.

In assessing whether a waiver is knowing and voluntary, we place significant weight on a defendant's statements during hearings. "Solemn

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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declarations in open court carry a strong presumption of verity.”¹ This presumption is not rebutted by the “subsequent presentation of conclusory allegations unsupported by specifics.”² Rather, such allegations are “subject to summary dismissal.”³

Doe affirmed in open court that he intended to make the waiver and that he understood its terms. Doe now claims that he misunderstood the consequences of his waiver, but his allegations are conclusory. Given the absence of legal and factual support for Doe’s contentions, the district court did not abuse its discretion in denying his motion.

IT IS ORDERED that the judgment of the district court is AFFIRMED.

¹ *Blackledge v. Allison*, 431 U.S. 63, 74 (1977).

² *Id.*

³ *Id.*